

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BRADLEY SMITH, an individual,)	
)	
Plaintiff Pro Se,)	
)	
vs.)	Case No. 1:16-cv-00144-S-LDA
)	
DEBORAH GARCIA,)	
)	
Defendant.)	

SUPPLEMENTAL AFFIDAVIT OF PAUL ALAN LEVY

1. My name is Paul Alan Levy. I am lead counsel for proposed intervenor Myvesta Foundation.

2. Before I filed Myvesta's motion to intervene with attached proposed motions to vacate and to dismiss, I mailed a letter to Deborah Garcia at the address listed on the consent order papers. In addition, I mailed the filed papers to Deborah Garcia at that address. After the filing, both the letter to Deborah Garcia and the service papers were returned as undeliverable. I attach copies of the envelopes as Exhibit 2 (the numbering is sequential from my first affidavit in the case).

3. After we filed our motion papers, I made contact with a lawyer who represents Bradley Smith. He confirmed to me both that Bradley Smith had not signed the papers submitted in this case in his name and that Bradley Smith had not authorized the filing of this action in his name.

4. I sent this lawyer a courtesy copy of the Court's order setting the hearing on November 16, 2016. The lawyer told me that he would not be attending. He responded to an email from me about the representations that I would be making to the Court, telling me what **he** would like the Court to be told. A copy of that email is attached as Exhibit 3.

5. The lawyer for Bradley Smith provided me with a copy of a contract between Rescue One

Financial, the company of which Bradley Smith is an executive, and a limited liability company specializing in search engine optimization that committed to helping get pages on Steve Rhode's web site deindexed from search engines using unspecified "proprietary methods." A copy of that contract is attached as Exhibit 4. The person signing that contract for the reputation protection company is Richart Ruddie.

6. Mr. Ruddie is involved with a company called "Profile Defenders" that advertises a "lawsuit removal service" for getting pages with critical statements removed. The advertisement includes this statement: "we have to be vague on the details legally until we speak with you." A copy of this advertisement is attached as Exhibit 5.

7. Along with Eugene Volokh, a professor at UCLA Law School, I have been studying the problem of lawsuits like this one, locating dozens of such cases around the country, a number of them apparently involving Mr. Ruddie. We published our initial findings in an article that appeared simultaneously on Public Citizen's blog and Mr. Volokh's blog. A copy of that article is attached as Exhibit 6.

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct. Executed on November 15, 2016.

/s/ Paul Alan Levy
Paul Alan Levy

U.S. POSTAGE PITNEY BOWES
ZIP 20009 \$002.83⁰
02 4W
0000341418 SEP 08 2016



LEUY
PUBLIC CITIZEN LITIGATION GROUP
1600 20th Street NW
Washington, DC 20009

To: -

Levy
Deborah Garcia
1588 Main Street
West Warwick, Rhode Island 02983

NIXIE 029832038-1N 10/06/16

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER



Levy Affidavit
Exhibit 2

TIZEN LITIGATION GROUP

Street NW
7, DC 20009

CAP DISTRICT
MD 207
02 SEP '16
PM 1 L



Deborah Garcia
1588 Main Street
West Washington, District of Columbia 20005

NIXIE 015 SE 1 0009/14/16
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 20009100100 *2117-07515-02-39

JTF
029000557000

Postnet® Intelligent Mail®

From: Robby Birnbaum <REDACTED@REDACTED>
Sent: Tuesday, November 15, 2016 9:17 AM
To: Paul Alan Levy
Cc: Mildred Feliz
Subject: RE: Hearing on Wednesday

We won't be attending. I ask that in addition to the below you advise that our client is not in this case, and should not be. He is not appearing because it is not his case. I think, but am not certain, that the only way we found out about this case was because of you or your client.

Our client can't spend the money and time to fly across the country on a case he did not file.

We respect the Judge and the Court, but don't think it is fair to have Brad leave his 3 young children, wife and business.

Thanks
Robby

Profile Brad Smith

Robby H. Birnbaum, Esq.
Greenspoon Marder, P.A.
100 West Cypress Creek Road, Suite 700
Fort Lauderdale, FL 33309
954.491.1120 (Main Telephone)
954.343.6959 (Direct Telephone)
954.343.6960 (Direct Facsimile)
REDACTED@REDACTED

From: Paul Alan Levy [mailto:plevy@citizen.org]
Sent: Monday, November 14, 2016 1:22 PM
To: Robby Birnbaum
Subject: Hearing on Wednesday

Will you be there? Will anybody be there on behalf of the putative plaintiff Bradley Smith?

If not, is there anything you would like me to convey to Judge Smith about either why Bradley Smith is not represented, or anything else?

I do intend to make clear that I have been in touch with a non-Rhode Island lawyer representing Smith, that the lawyer has confirmed for me both that the signatures on the pro se papers are not his and that Smith did not authorize the filing of these papers on his behalf, and that I have received a copy of a contract, not signed by Smith himself but executed on behalf of his company, engaging a Richart Ruddle company to provide services specifically aimed at Steve

Levy Affidavit
Exhibit 3

Rhode's web site

I do not have in mind to mention your name but if the judge asks for the information I will be obligated to answer his question

Paul Alan Levy

Public Citizen Litigation Group

1600 20th Street, NW

Washington, D.C. 20009

(202) 588-7725

<http://www.citizen.org/Page.aspx?pid=396>

Twitter: @paulalanlevy

Public Citizen Foundation participates in the Combined Federal Campaign with the CFC Code 11168

Brand Protection Proposal:

Personal Lending Group & Rescue One Financial

November 12, 2015

Our Plan of Action & Terms

Executive Summary

The Rescue One Financial team and I have discussed the reputation management needs for the growing Personal Lending Group and Rescue One Financial. Our plan of action will monitor for any negative listings, remove them as we have successfully removed the previous Steve Rhodes articles, create positive new content on our network of Finance related blogs, distribute paid distribution press releases, and create positive microsites to insulate both Rescue One & Personal Lending Group from negative search results on page 1 and beyond.

Our in-depth knowledge of online reputation management and strong project management methodology assists in removing and insulating against negative Google search results. These techniques encompass legal maneuvers that have been tested and proven to be effective for permanently removing defamatory search results as we have demonstrated so far.

Our methodology demonstrates that we are the most highly qualified firm to manage the online reputation. Our solution is summarized in the following key features and benefits:

- *Rigorous Approach.* From structured project management techniques to process methodology, to highly talented personnel, our approach has been refined and proven. We provide complete confidentiality.
- *Four-Phased Approach.* We have developed proprietary technology and processes that have proven to be very successful at even the highest levels of negative publicity. Our approach has four main phases: (1) Discovery and Planning; (2) Technical Design; (3) Construction and Quality Control; and (4) Implementation. The hallmarks of the approach are an emphasis on accurately understanding and defining our client's needs, a commitment to client communication and an aggressive proven methodology.
- *Commitment to Your success.* We are committed to achieving the results wanted by our clients and guaranteed by us. We believe in providing the highest levels of customer support and communication throughout the campaign. We continually refine our process and monitor results to combat the hundreds of yearly changes to the algorithms used by the search engines to rank sites.
- *Actions on your behalf* – As our client you grant JRR the ability to act on your behalf to remove the negative results from Google's search index via our proprietary de-indexing program and create new positive press to suppress and insulate your brands online.

We are confident that we bring the best business and technical qualifications, customer service orientation, and overall value to your brands.

Levy Affidavit
Exhibit 4

Project Analysis for Brand Protection

Based on the research conducted and the phone calls with the Rescue One Financial team, we will be writing, creating, and distributing 4 press releases a month for both Brands and any other news that the principals would like to have announced. In addition, we will work on getting editorials, relevant blog posts on Debt, Finance, and Business related blogs and sites in our network (attached is the list of sites). This includes Huffington Post, Forbes, and many other reputable websites.

In addition, we will build relevant business directory listings, videos that are optimized and distributed to the top 30 video sharing websites, and add in social signal activity such as Tweets and Facebook shares to make all distributed content relevant.

Any future negative posts from Steve Rhodes or Microsites that pop up with unwanted content will be de-indexed using our proprietary methods.

Recommend Solution: De-indexing of any negative articles that appear, promotion and brand protection of Personal Lending Group as well as Rescue One Financial.

Time Frame: 9 months

Investment: \$6,000/Month

Months 9+ Monthly investment is \$5,000

RIR 1984 LLC

Signature: Richard Ruddle

Print Name: Richard Ruddle

Title: CTO

Date: 11/16/2015

Rescue One Financial

Signature: Brandon Millstone


Print Name: Brandon Millstone


Title: Co-CEO

Date: 11/16/15

Wire Payment Instructions:

Acct Name: RIR1984 LLC

Account #: 

Routing #: 

Bank Name: M&T Bank

Bank Address:

9780 Groffs Mill Drive

Owings Mills, 21117

Call Us: 866 664 6178

We Can Completely Remove Webpages

As Seen In: **Forbes** WALL STREET JOURNAL Entrepreneur

Levy Affidavit
Exhibit 5

COMPANY NEWS (HTTP://PROFILEDEFENDERS.COM/BLOG/CATEGORY/COMPANY-NEWS/)

Profile Defenders Lawsuit Removal Service Is a HIT!

November 3, 2014 By admin

0 (http://profiledefenders.com/blog/profile-defenders-lawsuit-removal-service-is-a-hit/#respond)

Reviews on our lawsuit removal service is a top hit from all of our clients. From big time corporations to innocently defamed victims who have suffered from cyber stalkers and anonymous posters who decided to create harmful material about them online have agreed that our service for removing things that are bad or negative about you online is as good as it gets. Our lawsuit service has our internet defamation specialists setup with you for handling the removal of any material that is currently harming you.

Our Lawsuit Service Removes Defamatory Content

What we are able to do for the removal has been nothing short of astonishing to most of our clients. Since anybody can hide behind a curtain and write whatever they would like online on popular consumer advocacy and review websites it is no stopping what appears online at first. That was until we created a service to help facilitate the legal aspect that is needed to have your bad information reviewed. We have to be vague on the details legally until we speak with you and put you in touch with the proper defamation attorney in your locale to handle your case.

For more information fill out the form to the left or give us a call today.

Tags:

profile defenders lawsuit service (http://profiledefenders.com/blog/tag/profile-defenders-lawsuit-service-2/)

profile defenders lawyers (http://profiledefenders.com/blog/tag/profile-defenders-lawyers/)

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Consumer Law & Policy Blog

Sponsored by Public Citizen Litigation Group

Levy Affidavit
 Exhibit 6

Monday, October 10, 2016

Dozens of suspicious court cases, with missing defendants, aim at getting web pages taken down or deindexed

BY PAUL ALAN LEVY AND EUGENE VOLOKH

There are about 25 court cases throughout the country that have a suspicious profile:

- All involve allegedly self-represented plaintiffs, yet they have similar snippets of legalese that suggest a common organization behind them. (A few others, having a slightly different profile, involve actual lawyers.)
- All the ostensible defendants ostensibly agreed to injunctions being issued against them, which often leads to a very quick court order (in some cases, less than a week).
- Of these 25-odd cases, 15 give the addresses of the defendants — but a private investigator hired by Professor Volokh (Giles Miller of [Lynx Insights & Investigations](#)) couldn't find a single one of the ostensible defendants at the ostensible address.

Now, you might ask, what's the point of suing a fake defendant (to the extent that some of these defendants are indeed fake)? How can anyone get any real money from a fake defendant? How can anyone order a fake defendant to obey a real injunction?

The answer is that Google and various other Internet platforms have a policy: They won't take down material (or, in Google's case, remove it from Google indexes) just because someone says it's defamatory. Understandable — why would these companies want to adjudicate such factual disputes? But **if they see a court order that declares that some material is defamatory, they tend to take down or deindex the material**, relying on the court's decision.

Yet the trouble is that these Internet platforms can't really know if the injunction was issued against the actual author of the supposed defamation — or against a real person at all. That's why we have incidents like this:

1. Matthew Chan, a Georgia resident, posts a negative review of Mitul Patel, a Georgia dentist, on Yelp and a few other sites. (Readers may remember [this story](#), which we blogged about in August; that's the incident that got us investigating this issue.) Several months after Chan puts up his post, Yelp e-mails him, saying that it's about to take his comment down because it received a court order that was issued against him, and the court concluded that his comment was defamatory.

But wait!, says Chan — he's never been sued. And sure enough, the order is against a supposed Mathew Chan of Baltimore. As best we can tell, no such Mathew Chan exists in Baltimore, but in any event no Baltimorean is the author of the post. Yet the order is supposedly based on that Mathew Chan agreeing with Mitul Patel that the review was defamatory, and should be removed. (As we'll see below, Mitul Patel and some of the other plaintiffs state that they did not authorize the lawsuit or sign the pleadings, though they did hire a "reputation management company" to do something.)

2. [Steve Rhode, who lives in North Carolina](#), runs [getoutofdebt.org](#), where he writes about (among other things) what he sees as abusive practices by debt relief firms. Over the past few years, he has criticized such companies, including two California companies called Financial Rescue and Rescue One Financial.

Over the past year and a month, three suits have been filed, in Rhode Island federal court, in Maryland state court, and in Florida state court, claiming that various comments on several separate posts defamed these debt relief companies. The Rhode Island case is part of the pattern we describe above; the other two cases are slightly different, in that they involve lawsuits brought by lawyers rather than by ostensibly self-represented plaintiffs.

Let's focus for now on the suit in Rhode Island. The complaint objects to an allegedly defamatory comment that discussed Rescue One Financial, citing two blog posts, one of which is about Financial Rescue. But neither company sues Rhode, who might well have fought back.

Instead, a lawsuit is filed ostensibly on behalf of Bradley Smith — the chief executive of Rescue One Financial — against one Deborah Garcia, who supposedly lives in Rhode Island. As best we can tell, no-one by that name lives at the address given for her.

“Deborah Garcia” stipulates to a libel judgment, which the court promptly enters. The order is submitted to Google with a request to remove that page from Google indexes, so that no-one can find it using Google; Google complies.

3. A California newspaper writes a story in 2013 about an elementary school parent who had put fake signatures and falsely attributed quotes on a petition. (The petition was urging the school not to change its gifted education program.) The newspaper quotes the parent as apologizing for her actions.

Two and a half years later, a comment appears on the story: The comment, signed “Robert Castle,” accuses the parent of being prejudiced and taking bribes, though it also says the commenter is drunk and isn’t sure he’s talking about the same person that the story describes.

Then, within a few months, a lawsuit is filed in Shasta County — not where the incident happened — against supposed Shasta County resident “Robert Castle,” claiming the comment is defamatory, and alleging that Castle agrees to an injunction. (The Baltimore, Rhode Island, and California lawsuits share a good deal of legal boilerplate.) Instead of just granting the injunction, the judge demands that the parties come in for a hearing, noting, among other things, that “there is a purported signature of Defendant Robert Castle” but no proof that such a defendant was served.

The docket does not report that the hearing was ever held; instead, a similar case is then filed in Los Angeles County, also far from the scene of the underlying incident, with the same plaintiff and the same defendant. An injunction is indeed issued. Yet as best we can tell no Robert Castle lives in Shasta County.

No lawsuit against the newspaper based on its initial story would have succeeded, partly because the newspaper’s report may well have been accurate, and partly because the statute of limitations had expired. But because the theory of the case was that the “Robert Castle” comment had defamed the parent, that tail was used to wag the dog: The ostensibly libelous comment was used as a justification for an order apparently aimed at deindexing the whole newspaper story. (The order has apparently not yet been submitted to Google, though there has been an attempt to use a bogus copyright takedown request to get Google to deindex the newspaper article.)

4. Other lawsuits have apparently aimed at deindexing:

1. An article in the Charleston Post & Courier that discussed the indictment of a local businessman,
2. A federal court opinion posted on Leagle.com that dealt with a criminal forfeiture in a child pornography case,
3. A Web page critical of a rich Indonesian businessman,
4. A Web page critical of so-called “cremation diamonds” that are supposedly made from the ashes of loved ones,
5. Posts on Dharmawheel.net critical of a California Buddhist leader,
6. A wide variety of RipOffReport.com complaint pages,
7. And many more.

We have seen such lawsuits in California, Florida, Illinois, Maryland, Nevada, Pennsylvania, and Texas. About half of them have been in the Baltimore area and in Philadelphia.

And the possibility of such shenanigans bears on the *Hassell v. Bird* litigation that is now before the California Supreme Court: The issue there (see [here](#) and [here](#)) is whether takedown injunctions can actually be made legally binding on Internet platforms, rather than just being something that platforms choose whether to follow. The questionable nature of many such injunctions is reason to further insist that platforms not be legally bound by them.

* * *

Who is behind these cases? For many of these, we don’t know. As we mentioned, many of the plaintiffs might well not have known what was happening. They might have hired a reputation management company, expecting it to get the negative posts removed legitimately (e.g., through a legitimate libel lawsuit, or through negotiation with the actual authors).

But in four of these situations, the lawyers for the ostensible plaintiffs report that they, or the companies that they lead, dealt with one particular reputation management company; and another case seems to be connected to that company as well.

A. The lawyer for the real Bradley Smith alleges that Smith’s signature on the Rhode Island complaint was forged. He also states that Smith “does not recall authorizing” the suit filed in his name on a similar complaint against an apparently fictitious defendant in state court in Baltimore.

Smith’s lawyer passed along a contract that Smith’s company, Rescue One Financial, signed with a company called “RIR 1984 LLC,” headed by one Richart Ruddie. RIR was to be paid \$6000 per month to apply its “proprietary de-indexing program” so that “negative posts from Steve Rhodes [sic]” “will be de-indexed using our proprietary methods.” The contract was aimed in part at “insulating against negative Google search results,” specifically by “remov[ing]” “Steve Rhodes [sic] articles.”

B. After Matthew Chan filed a motion to vacate the Maryland state court “consent order,” the ostensible plaintiff (Mitul Patel) filed his own motion to vacate, stating to the court that Patel “has been caused to suffer negative publicity via internet news blogs as a result of the attempt by the party purporting to be Plaintiff MITUL R. PATEL’s attempts to have negative reviews of [Patel’s] Dental practice removed from internet review websites.”

Patel’s motion states that Patel did not actually file the lawsuit, and it attaches a letter from Patel’s lawyer to Richart Ruddie. The letter alleges that Patel had signed an SEO contract with a Ruddie-led entity called “SEO Profile Defense Network LLC,” and alleges that this entity “apparently forged Dr. Patel’s signature to a Complaint and Consent Motion.” (Patel’s lawyer has steadfastly refused to produce the contract in question.)

C. We have likewise obtained confirmation that Profile Defenders, a Richart Ruddie company, was hired by two of the plaintiffs in the other cases that fit the pattern we described in the opening paragraphs.

D. The earliest case that we could find fitting this general pattern was filed in November 2015 — and it had as the plaintiff R. Derek Ruddie in Owings Mills, Maryland. Richart Ruddie was apparently born in Owings Mills, and Derrek (though with two r’s) appears to be his middle name; the address given in court documents has been associated with Richart Ruddie in various records. And the monthly payments under the reputation management contract signed by Rescue One Financial are to be made to Ruddie’s company at a bank located in Owings Mills.

The defendant in this November 2015 case, true to form, could not be found at the address listed in the court documents. The lawsuit itself succeeded in using a comment, ostensibly derogatory of Ruddie — though it didn’t use Ruddie’s last name — to get a whole RipOffReport.com post deindexed. (The comment was, “Hey Rich whats the deal with this guy you recommended? Does he give you a kick back or something?”) That RipOffReport post was critical of a lawyer, who we assume was the main beneficiary of the November 2015 lawsuit. The lawyer has declined to say whether he had any reputation management agreement with Ruddie.

Indeed, a few days after this lawsuit was filed, a Profile Defenders press release announced,

Profile Defenders Lawsuit Removal service honors a guarantee to take down and defamatory or unwanted webpages from search results as long as they meet specific criteria....

The future of online reputation management is moving into permanent removals....

The Profile Defenders lawsuit removal service is now available and pricing starts at \$6,000.... Legal services provided by the profile defenders team and in house council have proven to be successful....

We asked Ruddie and SEO Profile Defenders several times to comment, but their only response, to our initial inquiry about *Patel*, was, “We deny these allegations and we have no further comment. When and if we do we will contact you.” But, to give them the last word, here is something from Richart Ruddie Entrepreneurial Blog, dated Sept. 8, 2016:

Just be a good person – Richart Ruddie

Had one of the nicest compliments this past weekend. A new friend said “Chart do you know why I like you?”

“At the end of the day you’re just a genuine person Richart Ruddie”

* * *

Eugene Volokh is a law professor at UCLA School of Law. Paul Alan Levy is an attorney at Public Citizen Litigation Group.

Posted by Paul Levy on Monday, October 10, 2016 at 08:18 AM | Permalink

Comments



Interesting article. I posted an honest review of an attorney named Elizabeth Lubker on Ripoff Report. You can see her responses below it. There were never any such hearing dates as she claimed, she lied to the court and to Ripoff Report to get my identifying info, I filed timely objections in court and she still served it and Ripoff Report handed everything over to her despite my pleading with them to protect my privacy. What really irks me is I am a journalist of more than 30-years and could not protect my own privacy and First Amendment rights. Ripoff Report also handed over my private correspondence to their legal dept., with RR telling me it was not “protected atty-client privilege”. Huh? (I dont think anyone there actually has a law degree).

Posted by: Elaine | Thursday, October 27, 2016 at 11:29 PM



Too bad average citizens can't just get a declaratory judgment de-indexing defamation. It would be a good balance to free speech to recognize reputation

as a human right.

I have my own story about how the Ripoff Report I posted about a well-known legal nonprofit was somehow removed WITHOUT A COURT ORDER, showing that RipoffReport will pull down reports about certain individuals.

The cost to the taxpayers of internet grudges is astounding: the people targeted wind up costing the healthcare system a fortune (therapy), and the taxpayers have to foot the bill for their SSDI, for which they qualify after no one will hire them. In my case, my internet haters, and those they mock as their pawns, are costing the taxpayers around \$20k a year, or a total of almost a half-million by the time I reach retirement age. I wound up retired at 48 because some idiot lied about me on the internet. Ironically, when people hear about how much money came my way as a result of the lies, they don't believe them anymore.

Call it the "Google Tax" or the "Section 230 tax." One nice byproduct of this is learning who spreads gossip, who believes gossip, and who is "internet compromised" and a danger to the privacy of everyone around them. I'm sure the SJW who have fantasies of destroying people will be thrilled to hear that they're really just funneling taxpayer money into the pockets of their targets, but their goal is social justice, not malicious, right?

Right. Thanks for all the free time and free money, haters.

Posted by: Ray Gordon | [Saturday, October 15, 2016 at 06:51 AM](#)



GregoryLent,

As I stated in the Volokh Conspiracy, when two highly-regard legal scholars and legal minds come together to jointly write and report on a matter, one has to sit up and pay attention.

I continue to be astounded at what has been investigated and uncovered thus far. And if you find this piece compelling, Mr. Levy has just released YET ANOTHER update and analysis on top of all this on the SAME DAY!

I refer people to Mr. Levy's follow-up analysis: <http://pubcit.typepad.com/clpblog/2016/10/profile-defenders-and-richart-ruddie-the-common-link-between-two-phony-defamation-suits.html>

He is drilling down into this and can see and sniff out things that most of us cannot (especially someone as untrained as I am).

Posted by: [Matthew Chan](#) | [Monday, October 10, 2016 at 09:23 PM](#)



wow ... this is investigative journalism !!

Posted by: gregorylent | [Monday, October 10, 2016 at 10:16 AM](#)

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